

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON JUDICIARY**

**Call to Order:** By **CHAIRMAN JIM SHOCKLEY**, on February 12, 2001 at 9:00 A.M., in Room 137 Capitol.

#### **ROLL CALL**

##### **Members Present:**

Rep. Jim Shockley, Chairman (R)  
Rep. Paul Clark, Vice Chairman (D)  
Rep. Jeff Laszloffy, Vice Chairman (R)  
Rep. Darrel Adams (R)  
Rep. Gilda Clancy (R)  
Rep. Aubyn A. Curtiss (R)  
Rep. Bill Eggers (D)  
Rep. Steven Gallus (D)  
Rep. Gail Gutsche (D)  
Rep. Christopher Harris (D)  
Rep. Linda Holden (R)  
Rep. Joan Hurdle (D)  
Rep. Brad Newman (D)  
Rep. Mark Noennig (R)  
Rep. Ken Peterson (R)  
Rep. Diane Rice (R)  
Rep. Bill Thomas (R)  
Rep. Merlin Wolery (R)  
Rep. Cindy Younkin (R)

**Members Excused:** Rep. Jeff Mangan (D)

**Members Absent:** None.

**Staff Present:** John MacMaster, Legislative Branch  
Mary Lou Schmitz, Committee Secretary

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

##### **Committee Business Summary:**

Executive Action: **HB 431**  
**HB 315**  
**HB 475**

**EXECUTIVE ACTION ON HB 431**

**Motion:** REP. NEWMAN moved that HB 431 DO PASS. #1

**Discussion:** Rep. Newman said this is a protection we already provide for school buildings themselves. It doesn't make any sense, chronological, to exclude the playgrounds. There is a higher number of violent crimes perpetrated against students and teachers on school grounds but outside the building. The exceptions written into the Bill are designed to make sure that we recognize there are legitimate reasons to have weapons even in the vicinity of schools. There are student resource officers in several schools in Montana. Those officers are going to have tools of their trade and that includes weapons. This is not simply a firearm Bill. It covers a variety of weapons.

*{Tape : 1; Side : A; Approx. Time Counter : 0 - 7.3}*

**Motion/Vote:** REP. NOENNIG moved that HB 431 BE CONCEPTUALLY AMENDED. #2 On line 19, instead of saying section 1 does not apply, say section 1 and 2 does not apply. The Noennig Motion carried unanimously 19-0

**Discussion:** Reps. Holden, Newman, Laszloffy, Younkin.

*{Tape : 1; Side : A; Approx. Time Counter : 7.3 - 15.2}*

**Motion:** REP. LASZLOFFY moved that HB 431 BE AMENDED to strike lines 23,24,25. #3

**Discussion:** Reps. Noennig, Newman.

**Vote:** The Laszloffy Motion failed 8-12.

**Motion/Vote:** REP. CLANCY moved that HB 431 BE AMENDED to strike "shall" and insert "may" in line 23. #4 Motion carried unanimously 19-0.

**Motion:** Rep. Younkin moved that HB 431 BE AMENDED, the third amendment to insert the exceptions for concealed weapons of law enforcement personnel. #5

**Discussion:** Rep. Noennig, Younkin, Hurdle, Laszloffy, Newman, Clancy.

*{Tape : 1; Side : A; Approx. Time Counter : 15.2 - 29.8}*

Vote: Motion on the Younkin amendment carried 12-8 with Reps. Clark, Eggers, Gutsche, Harris, Hurdle, Mangan, Newman and Noennig voting no.

Discussion: John MacMaster, Staff Attorney, explained to the committee exceptions and changes to the Bill after passing the above amendment.

Reps. Hurdle, Curtiss, Newman, Shockley.

Motion/Vote: REP. GALLUS moved that HB 431 BE AMENDED to remove the Younkin amendment. #6 Motion failed 9-11.

Motion/Vote: REP. ADAMS moved that HB 431 BE TABLED. #7 Motion failed 9-11.

Motion/Vote: REP. HURDLE moved that HB 431 DO PASS AS AMENDED. #8 Motion failed on a tie vote 10-10.

Motion/Vote: REP. LASZLOFFY moved that HB 431 BE TABLED. #9 Motion carried 11-9 with Reps. Eggers, Gallus, Gutsche, Harris, Hurdle, Mangan, Newman, Noennig and Peterson voting no.

#### EXECUTIVE ACTION ON HB 315

Motion: REP. ADAMS moved that HB 315 DO PASS. #10

Discussion: Reps. Peterson, Adams.

Rep. Gutsche asked for and received some documentation concerning animal abuse and the link with other types of violence and shared the material with the committee.

Motion: REP. LASZLOFFY moved that HB 315 BE AMENDED, page 2, line 10, and strike section 7. #11 Rep. Laszloffy withdrew his motion.

*{Tape : 1; Side : B; Approx. Time Counter : 0.1 - 29.7}*

*{Tape : 2; Side : A; Approx. Time Counter : 0.1 - 2}*

Discussion: Mr. MacMaster explained **EXHIBIT**(juh35a01) Reps. Shockley, Gutsche, Noennig.

Motion: REP. NOENNIG moved that HB 315 BE AMENDED concerning lien. #12 Shockley amendment modified to take out the word lien to take care of Rep. Noennig's concerns.

Discussion: Reps. Newman, Shockley, Wolery, Thomas, Holden, Noennig, Laszloffy,

Motion/Vote: REP. SHOCKLEY moved that HB 315 BE AMENDED EXHIBIT(1). #13. Motion carried 19-1 with Rep. Gutsche voting no.

Discussion: Rep. Laszloffy

Motion: REP. WOLERY moved that HB 315 BE AMENDED conceptually for rodeo activity #14.

Discussion: Reps. Gutsche, Adams.

Vote: The Wolery amendment passed 17-3 with Reps. Clark, Gutsche, and Hurdle voting no.

Motion/Vote: REP. YOUNKIN moved that HB 315 DO PASS AS AMENDED. #15. Motion carried 13-7 with Reps. Laszloffy, Adams, Clancy, Curtiss, Peterson, Rice and YOUNKIN voting no.

EXECUTIVE ACTION ON HB 254

Motion: REP. PETERSON moved that HB 254 DO PASS. #16

Motion: REP. PETERSON moved that HB 254 BE AMENDED. #17  
**EXHIBIT**(juh35a02)

Discussion: Reps. Noennig, Peterson, Mr. MacMaster.

Motion/Vote: Rep. Noennig moved to postpone HB 254. #18 Motion carried 16-3 with Reps. Gutsche, Hurdle and Newman voting no.

EXECUTIVE ACTION ON HB 475

Motion: Rep. Adams moved that HB 475 Do Pass. #19

Discussion: Rep. Noennig. Rep. Gallus asked to go on record as opposing this Bill.

Motion/Vote: Rep. YOUNKIN moved that HB 475 be Tabled. #20 Motion carried unanimously 20-0.

**ADJOURNMENT**

Adjournment: 10:45 A.M.

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REP. JIM SHOCKLEY, Chairman

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MARY LOU SCHMITZ, Secretary

JS/MS

**EXHIBIT** (juh35aad)